

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

State of Illinois, Department of Transportation,

Petitioner,

vs.

Illinois Central Railroad Company,

Respondent.

Petition for authorization to replace the grade separation structure carrying Illinois Route 17 (Court Street) over Illinois Central Railroad Company's tracks located in the City of Kankakee, Kankakee County, Illinois and for a waiver of the clearance requirements of 92 Ill. Adm. Code Section 1500.

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Illinois Commerce Commission
RAIL SAFETY SECTION

T02-0090

VERIFIED PETITION TO RECONSIDER AND/OR CLARIFY ORDER

NOW COMES Respondent Illinois Central Railroad Company ("IC"), by and through its attorney, Michael J. Barron, Jr., for its Verified Petition in the above-captioned matter states:

1. The first ordering provision on the top of page 3 of the November 7, 2002 Order in this docket states:

IT IS FURTHER ORDERED that the reduced vertical clearances as shown on Exhibit A, attached to the Petition, and made a part hereof, be, and they are hereby, permitted.

2. The vertical clearances on the new bridge are being increased, not reduced, from the present bridge.
3. IC asserts that the second ordering provision on page 3 should be stricken from the final order. The paragraph we seek to strike directs IC to post warning signs and other warning devices, as well as issue a bulletin, regarding close clearance as the proposed bridge has a clearance of less than 23'.

DOCKETED

4. IC believes these requirements are not necessary. It is not aware of any other grade separation with a clearance in excess of 21'6" where those requirements have been imposed. The current bridge has a clearance of less than 21'6". The new bridge will have a clearance in excess of 22'. While the statute (625 ILCS 5/18c-7401) calls for 23', it gives the Commission the discretion to reduce this minimum. The Commission's current rules (92 Ill. Admin. Code 1500.160) require 21'6". The new bridge will have a greater clearance than that. As information, IC currently does not let employees ride on top of rail car superstructures.

5. In view of the foregoing, and especially in light of the fact that the proposed new bridge will have a greater clearance than the present one, IC believes the second ordering provision on page 3 of the proposed order should be deleted from the final order.

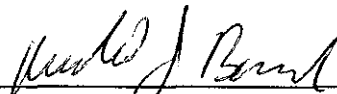
WHEREFORE, Illinois Central Railroad Company respectfully requests:

- a) That the Illinois Commerce Commission strike the second ordering provision on page 3 of the final order in this matter; and
- b) That the Illinois Commerce Commission grant further relief that it deems just and equitable.

Dated at Chicago, Illinois this 27th day
of November, 2002.

Respectfully submitted,


ILLINOIS CENTRAL RAILROAD COMPANY

By 

Michael J. Barron, Jr.
Counsel for Illinois Central Railroad Company
Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
Tel: 312-755-7954
Fax: 312-755-7669
ARDC 6228809

VERIFICATION

Tom Zeinz, being duly sworn, deposes and says that he is Manager-Engineering Services on behalf of the Illinois Central Railroad Company, that he has read the foregoing Petition of Illinois Central Railroad Company, and that the contents thereof are true and correct to the best of his knowledge and belief.



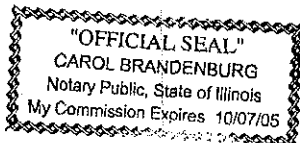
Tom Zeinz

Subscribed and sworn to
before me this 27th day of
November, 2002.



Notary Public

My Commission Expires:



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ILLINOIS COMMERCE COMMISSION

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T02-0090

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NOTICE OF FILING


The Honorable June Tate
Illinois Commerce Commission
Suite C-800
160 North LaSalle Street
Chicago, IL 60601-3104

Joe VonDeBur
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Stacey C. Hollo
Counsel for Illinois Dept. of Transportation
2300 S. Dirksen Pkwy, Room 311
Springfield, IL 62764

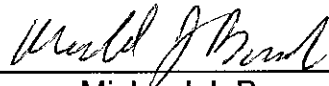
PLEASE TAKE NOTICE that I have this 27th day of November, 2002, mailed for filing with the Illinois Commerce Commission, Illinois Central Railroad Company's Verified Petition to Reconsider and/or Clarify Order in the above captioned matter, a copy of which is hereby served upon you.

ILLINOIS CENTRAL RAILROAD COMPANY

By 
Michael J. Barron, Jr.
Counsel for Illinois Central Railroad Company
Canadian National/Illinois Central
455 North Cityfront Plaza Drive
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CERTIFICATE OF SERVICE

I, MICHAEL J. BARRON, JR., an attorney, certify that I served the foregoing Verified Petition to Reconsider and/or Clarify Order upon the respondents made party to this proceeding by enclosing copies of the foregoing in envelopes addressed to those parties as set forth below, postage prepaid, and depositing the envelopes in the United States mail at 455 North Cityfront Plaza Drive, Chicago, IL on the 27th day of November, 2002.



Michael J. Barron, Jr.

The Honorable June Tate
Illinois Commerce Commission
Suite C-800
160 North LaSalle Street
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